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Funding boost won't resolve legal aid boycott

Province promises influx of \$150 million

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Ontario's Criminal Lawyers' Association will continue its boycott of serious legal aid cases despite a pledge by the province to inject \$150 million into the cash-strapped program over the next four years.

Frank Addario, president of the association, called the proposed increase a "patchwork solution" that does little to address a two-decade long erosion of funding and access to justice.

"Unfortunately, there does not seem to be a vision of restoring access to justice for everyone in Ontario," Addario said following the funding announcement. "There is no commitment to make up for the cuts and freezes that have destroyed the legal aid program."

The McGuinty government said the increase to Legal Aid Ontario's base funding will flow over four years, with \$15 million this year, \$30 million next year, \$45 million in 2011 and \$60 million after four years.

The current budget is \$288 million before the new money.

Ontario Attorney General Chris Bentley called the funding increase the "single largest investment in Legal Aid Ontario history."

"It will allow us to help poor and lower income families with a comprehensive range of services as well as allowing us to make Ontario's justice system more effective," he said in a statement released yesterday.

Nearly 70 per cent of legal aid cases in family court involve women living below the poverty line. The minister said he wants some of the \$150 million used to help speed up family law cases and resolve them, when appropriate, in a less confrontational and more collaborative manner.

Criminal lawyers in Toronto began a boycott in June by refusing to accept legal aid certificates for more serious cases, such as homicides and prosecutions under guns-and-gangs legislation. Defence lawyers in Hamilton, Kingston, London and Thunder Bay soon joined the protest.

The lawyers argue that compensation paid to defence lawyers for legal aid work has risen by only 15 per cent over the past 22 years, while the consumer price index has jumped 75 per cent.

Addario said judges and Crown attorneys have received increases of more than 100 per cent in the same period. The new funding does not raise the tariff rates for legal aid lawyers.

Criminal lawyers are asking the government to commit itself to fixing the system, including stable and adequate funding and some type of independent funding review mechanism that will prevent another crisis in the future.

"It's another modest budget increase without addressing the underlying issues that led to the boycott," said Hamilton lawyer Robert Gee, one of 40 local criminal lawyers involved in the boycott.

Gee said he wonders what the government will pay British Columbia lawyer Richard Peck to prosecute former attorney general Michael Bryant on criminal negligence and dangerous driving causing death charges following the death of a cyclist in Toronto.

"If the rate Mr. Peck is being paid is a fair rate to prosecute, then why isn't it a fair rate to defend someone?" Gee asked. "Isn't the work of the defence equally as important to the administration of justice as the work of the prosecutor?"

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